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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,418	12/20/2001	Bruno Landais	Q67767	4979
23373	7590	05/18/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,418	LANDAIS, BRUNO	
	Examiner	Art Unit	
	Brian Roberts	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed 02/21/2006 is acknowledged.
- Claims 1, 4-5, 8, 10-11, and 13 are amended.
- Claims 1-13 remain pending.

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to because of the following informalities:
- In line 3 of claim 11, "a mobile station to in packet mode," should read --a mobile station in packet mode,--
- Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lupien (US 6006091).

- In reference to claim 1

The admitted prior art teaches a one-phase access method or a two-phase access method to initialize transfer of data by a mobile station. The methods include the mobile station transmitting mobile station identity information to a network and the network requesting the radio access capacity information of the mobile station. (page 3 lines 1-37)

The admitted prior art does not teach determining from the mobile station identity information communicated to the network, whether the network already holds radio access capacity information relating to the mobile station and requesting the mobile station to communicate the radio access capacity information to the network if it is determined that the network does not already hold the radio access capacity information.

In Figure 1, Lupien teaches a mobile terminal (11) sending a mobile access message (13) to a network (12) that inherently contains the mobile station identity information. The network then determines whether the network has the operating

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capabilities (*radio access capacity information*) of the mobile terminal. (abstract) If the network does not contain the operating capabilities (*radio access capacity information*) of the mobile terminal, the network transmits a capability request message (14) to the mobile station.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of the admitted prior art to include determining from the mobile station identity information communicated to the network, whether the network already holds radio access capacity information relating to the mobile station and requesting the mobile station to communicate the radio access capacity information to the network if it is determined that the network does not already hold the radio access capacity information as taught by Lupien because it allows the network and mobile terminal to save both time and bandwidth by limiting the transmission of unnecessary operating capability requests and reports if the network already holds the capability information (*radio access capacity information*).

- In reference to claim 2

The combination of the admitted prior art and Lupien teaches substantially all limitations of the parent claims. The admitted prior art further teaches that the mobile station identity information is information for managing the uplink in packet mode. (page 3 lines 1-37)

- In reference to claim 3

The combination of the admitted prior art and Lupien teaches substantially all limitations of the parent claims. The admitted prior art further teaches that the mobile station identity information is transmitted with data transmitted in the uplink direction. (page 3 lines 1-37)

- In reference to claim 6

The combination of the admitted prior art and Lupien teaches substantially all limitations of the parent claims. The admitted prior art further teaches that the mobile station identity information is transmitted with an uplink data transmission resource assignment request. (page 4 lines 7-15)

- In reference to claim 9

The combination of the admitted prior art and Lupien teaches substantially all limitations of the parent claims. The admitted prior art further teaches that the mobile station identity information has already been communicated to the network in the context of a downlink transfer of data already set up. (page 7 lines 2-26)

- In reference to claim 11-13

In Figure 1, the admitted prior art teaches a packet control unit in a GPRS network in a communicably link to a mobile station. The prior art further teaches a one-phase access method or a two-phase access method to initialize transfer of data by a mobile station. (page 3 lines 15-19) The methods include the mobile station transmitting

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mobile station identity information to a network and the network requesting the radio access capacity information of the mobile station. (page 3 lines 1-37)

The admitted prior art does not teach determining from the mobile station identity information communicated to the network, whether the network already holds radio access capacity information relating to the mobile station and requesting the mobile station to communicate the radio access capacity information to the network if it is determined that the network does not already hold the radio access capacity information.

Figure 1, Lupien teaches a mobile terminal (11) sending a mobile access message (13) to a network (12) that inherently contains the mobile station identity information. The network then determines whether the network has the operating capabilities (*radio access capacity information*) of the mobile terminal. (abstract) If the network does not contain the operating capabilities (*radio access capacity information*) of the mobile terminal, the network transmits a capability request message (14) to the mobile station. The mobile station transmits a capability report (15) (*radio access capacity information*) to the network in response to the capability (*radio access capacity information*) request message.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify packet control unit and mobile station in the GPRS network and method of the admitted prior art to include determining from the mobile station identity information communicated to the network, whether the network already holds radio access capacity information relating to the mobile station and requesting the mobile

station to communicate the radio access capacity information to the network if it is determined that the network does not already hold the radio access capacity information as taught by Lupien because it allows the network and mobile terminal to save both time and bandwidth by limiting the transmission of unnecessary operating capability requests and reports if the network already holds the capability information (*radio access capacity information*).

5. Claims 4-5, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lupien (US 6006091), as applied to the parent claims, and further in view of Lintulampi et al. (US 6747962)

- In reference to claim 4-5, 7-8, and 10

The combination of the admitted prior art and Lupien teaches substantially all limitations of the parent claims. Lupien teaches the network transmitting a capability request to a mobile station utilizing proprietary signaling message, a new message, or an existing message to request the capabilities of the mobile terminal. (column 6 lines 16-29)

The combination of the admitted prior art and Lupien does not teach utilizing a PACKET UPLINK ACK/NACK message or a PACKET UPLINK ASSIGNMENT to transmit the request message.

In Figure 4, Lintulampi et al. teaches utilizing a PACKET UPLINK ACK/NACK message and a PACKET UPLINK ASSIGNMENT message to transmit control information between a mobile station and a GPRS network. (column 8-9 lines 65-34)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include transmitting a capability request messages from the network to the mobile station of the combination of the admitted prior art and Lupien within a PACKET UPLINK ACK/NACK message or a PACKET UPLINK ASSIGNMENT message as taught by Lintulampi because it allows the network to save bandwidth by reducing the transmission of control packets. Adding the request within a field of an existing control message that is to be sent to the mobile station utilizes less bandwidth then creating and transmitting an entirely new control message containing the request to the same mobile station.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Lee et al. (US 6621809) teaches a base station sending a message requesting a mobile station's capability information to a mobile station.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR
05/15/2006



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